



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

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February 19, 2013

James Shankel
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Division of Environmental Planning
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San Bernardino, California 92401-1400

Subject: Draft Environmental Impact Statement for the Proposed SR-58 Hinkley Expressway Project,
San Bernardino County, California (CEQ #20120402)

Dear Mr. Shankel:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed SR-58 Hinkley Expressway Project. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The California Department of Transportation (Caltrans), as NEPA lead agency, is proposing to widen and realign State Route 58 (SR-58) from a two-lane conventional highway to a four-lane expressway near the unincorporated community of Hinkley, from Post Mile (PM) 22.2 to PM 31.1. The total length of the project is 8.9 miles, from 2.8 miles west of Hidden River Road to 0.7 miles east of Lenwood Road. The DEIS evaluates three proposed alternatives, as well as a No Build Alternative. Alternative 2 has been identified as the preferred alternative, and proposes a southerly alignment running approximately 0.5 mile south of the existing SR-58.

EPA commends Caltrans for their efforts to reduce impacts to the community of Hinkley to the greatest extent possible. We are particularly encouraged to see the inclusion of mitigation measure CI-4 in the DEIS, providing a commitment to further minimize the amount of right-of-way needed for the facility, and to further minimize community and environmental impacts during Final Design and Construction. We hope that Caltrans will follow through with this commitment and make every effort to negotiate basic design standards in order to avoid unnecessary impacts.

EPA rates the proposed project as Lack of Objections (LO) (see enclosed *Summary of EPA Rating Definitions*). The DEIS identifies that project implementation, combined with proper mitigation, should not result in significant environmental impacts. Information provided in the DEIS indicates that the build alternatives will not permanently impact any waters of the U.S., including wetlands, rivers or jurisdictional ephemeral streams. As such, EPA does not anticipate any impact to water quality as a result of project implementation. In addition, while the document identifies that there will be no adverse air quality impacts, EPA supports the implementation of stringent dust control and construction equipment emission control measures during construction in order to reduce temporary impacts to air quality. As the project is located in a state particulate matter 10 non-attainment area, it is important that dust from heavy

equipment and off-road work be reduced to the greatest extent possible. Our few concerns, as described below, focus on impacts to Biological Resources.

Biological Resources

Endangered Species and Other Species of Concern

The project site supports a diversity of mammals, birds, and reptiles, including special status wildlife species. In addition to a large desert tortoise population, the project site provides suitable habitat for burrowing owls and Mojave ground squirrel. Project construction would result in direct impacts to these special status animal species through the permanent loss of habitat, potential harassment through handling and relocation, and potential direct mortality resulting from project construction activities. Additional long-term impacts may occur as a result of increased predation and habitat fragmentation. EPA understands that an Endangered Species Act Section 7 formal consultation with the U.S. Fish and Wildlife Service (USFWS) is ongoing. The Biological Opinion will play an important role in informing the decision on what commitments, terms, and conditions must accompany the approval of the project.

Recommendations:

- The Final Environmental Impact Statement (FEIS) should provide an update on the consultation process and include the Biological Opinion as an appendix. If this is not possible, the FEIS should explain how the Biological Opinion will be factored into Caltrans' decision making.
- Any additional mitigation and monitoring measures that result from consultation with USFWS to protect sensitive biological resources, including desert tortoise and Mojave ground squirrel, should be included in the FEIS and, ultimately, the Record of Decision (ROD).

Compensatory Mitigation

In light of other large-scale projects proposed in the Mojave Desert region of San Bernardino County, the availability of land to adequately compensate for environmental impacts to resources such as desert tortoise, may serve as a limiting factor for project development. We note the availability of compensatory lands for mitigation is not discussed in the DEIS.

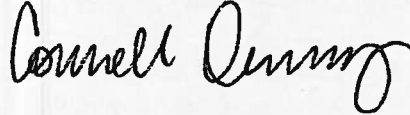
Recommendations:

- Identify compensatory mitigation lands or quantify available lands for compensatory habitat mitigation in the FEIS. Demonstrate that sufficient lands are available to fully compensate for the proposed project.
- Specify provisions to be adopted in the ROD that set out a clear timetable for ensuring adequate compensatory mitigation has been identified, approved and purchased, as appropriate.
- The FEIS and ROD should discuss mechanisms and incorporate proposed conditions for certification that would protect in perpetuity any compensatory lands that are selected.

We appreciate the opportunity to review this DEIS. When the FEIS is released, please send one hard copy to the address above (Mail Code CED-2). If you have any questions, please contact me (415-947-

4161) or Clifton Meek, the lead reviewer for this project. Clifton can be reached at 415-972-3370 or meek.clifton@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Connell Dunning". The signature is fluid and cursive, with the first name "Connell" written in a larger, more prominent script than the last name "Dunning".

Connell Dunning, Transportation Team Supervisor
Environmental Review Office
Communities and Ecosystems Division

Enclosed: Summary of EPA Rating Definitions

CC via email: Ray Vizgirdas, U.S. Fish and Wildlife Service
Veronica Chan, U.S. Army Corps of Engineers
John Chisholm, California Department of Transportation

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

Category "1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category "2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category "3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.